



Enforcement and Compliance Data Public Access Workgroup

July 14, 2000

EXECUTIVE SUMMARY

In response to an increasing demand from the public for more comprehensive environmental data related to their communities, the Office of Enforcement and Compliance Assurance (OECA) has been investigating methods for simplifying access to the Agency's enforcement and compliance information. While the public currently has available to them various means for accessing enforcement and compliance data, there does not exist within EPA, or in the states, a single point of access for obtaining this information in a multimedia format, and there is limited means for data access without submittal of a request to the record custodian.

In order to further these goals and be consistent with the State/EPA Vision and Operating Principle on Information Management, OECA formed a joint EPA/State workgroup to look at issues related to the provision of enforcement and compliance information to the public. The workgroup is comprised of EPA Headquarters and Regional and state representatives who have varied perspectives and experiences in providing public access to enforcement and compliance information.

The EPA/State workgroup looked at issues related to the provision of enforcement and compliance information to the public. The workgroup focused on five issues: data users, data delivery, data content, data context, and data review and correction process. This report and the recommendations it offers are the result of the open and cooperative discussions held by the workgroup to address these five issues. Highlights of the workgroup's recommendations include:

Data Users: Due to the large number of interested stakeholders, EPA should not format enforcement and compliance data to target any one audience. Instead, data should be structured to allow users to access it in a number of ways (e.g., by facility, by geographic area).

Data Delivery: EPA should use the Internet as its primary method of delivery for enforcement and compliance data. While publishing this information on the Internet does not negate the need for other methods of information dissemination, it will allow EPA to simultaneously share the pertinent data with a large number of users in a cost-effective manner.

Data Content: The scope of enforcement and compliance data to be made publicly accessible should include air, water, and hazardous waste information available from current federal databases - Air Facility Subsystem (AFS), Permits Compliance System (PCS) and the Resource Conservation Recovery Information System (RCRIS).

- 1 **Data Context:** Enforcement and compliance data should be accompanied by contextual information necessary for proper and accurate data usage.

Data Review and Correction: EPA and states must work closely to review data prior to distribution with an up-front review of existing information. By partnering on this issue, data of the highest quality will be available in a timely and efficient manner. Once an up-front review has been completed, an ongoing data review and correction process should be adopted to assure continued data quality.

EPA and many states are already launching efforts to implement multimedia approaches to information management. It is recognized that such strategies not only assist EPA and states in administering programs, but also facilitates meaningful public access. The actions recommended by this workgroup reflect consistent commitment to this approach. Implementing this report's recommendations will allow EPA and the states to meet the goal of increasing meaningful public access to enforcement and compliance data in the near future.

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1. INTRODUCTION

A. Background

U.S. Environmental Protection Agency (EPA) Administrator Carol Browner has stressed the Agency's goal to make quality, multimedia environmental data more available to the public. Her July 21, 1997 memorandum reaffirmed this goal by establishing the Reinventing Environmental Information (REI) initiative. This 1997 memorandum directed the Agency to advance and accelerate efforts to reinvent environmental reporting, strengthen the Agency's capacity to use information effectively to manage environmental programs, and to enhance the public's access to the information they need to make decisions about their health and the environment. As a part of this effort, EPA along with the Vice President's National Partnership for Reinventing Government co-sponsored two major conferences in early 1999, entitled *Protecting Public Health and the Environment Through Innovative Approaches to Compliance*. The more than 290 attendees representing business, environmental and community groups, as well as state, tribal and local governments, examined and discussed such issues as information and accountability, compliance assistance, compliance incentives, and innovative approaches to enforcement.

Using the information gained through these outreach meetings and public comments, OECA developed the *Innovative Approaches to Enforcement and Compliance Assurance-Action Plan for Innovation*, which was published in September 1999. While the *Action Plan for Innovation* covers many topics, one of the action items in the document is to increase public access to enforcement and compliance data. The challenge for OECA is to develop an approach or strategy for effectively making quality, multimedia enforcement and compliance data more accessible to the public. To assist OECA in meeting this challenge, an EPA and state workgroup was convened to identify issues which need to be addressed and develop recommendations in order to enhance public access to enforcement and compliance data.

B. Workgroup Participation

The Enforcement and Compliance Data Public Access Workgroup ("workgroup") was formalized by the Office of Compliance (OC) in December 1999. To ensure that a wide variety of perspectives were represented, memorandums were sent to the Oklahoma State Commissioner, Chair of the Environmental Council of States (ECOS), and to the National Association of Attorney Generals (NAAG) soliciting state representation. EPA Headquarters and Regions were also asked to participate on the workgroup. Based upon the response to the memorandums, an 11 member workgroup was formed. Workgroup members include Frederick Stiehl and Mamie Miller from OC; Art Horowitz from the Office of Planning and Policy Analysis (OPPA); Ken Blumberg from EPA Region 1; David Tetta from EPA Region 10; Bill Grabsch from the Office of Environmental Information (OEI); Wendy Caperton (OK), Jim Dusch (ME), Bill Kreckler (SC), and Felicia Robinson (IN) representing states who are members of the ECOS; and Joe Bindbeutel (MO) an Assistant Attorney General for the state of Missouri and a

member of NAAG. Anne Lassiter (OC) and Steve Thompson (OK) also participated in the workgroup discussions. Frederick Stiehl and Jim Dusch served as co-chairs of the workgroup. Contact information for the workgroup members can be found in Appendix A.

C. Workgroup Goals and Mission

The workgroup's goal was to provide recommendations to OECA on how best to provide the public access to accurate, timely and multimedia enforcement and compliance data.

The workgroup's mission was to identify and examine the primary federal and state issues regarding the release of enforcement and compliance information to the public. In addition to discussing these issues, the workgroup tried to reach consensus on how the issues could be addressed satisfactorily. In accomplishing this mission, the workgroup decided it was important to:

- develop an understandable “data language” between media programs to assure that we are speaking the same language;
- based on this common language, provide a context for the data that is released;
- assure that ongoing enforcement investigations and confidentiality laws are not impeded or compromised by release of data;
- assure that data released is of the highest accuracy by providing for an error correction process in any project that moves forward;
- take advantage of the experience and lessons learned from the EPA Sector Facility Indexing Project (SFIP) and other public access experiences of the states.

The recommendations provided by the workgroup are intended to assist OECA in making its final decision on providing expanded public access to existing enforcement and compliance data.

D. Workgroup Process

The workgroup began regularly scheduled biweekly conference calls in January 2000. In addition, a two-day meeting on data content was held in Arlington, Virginia in March 2000. Each conference call, and the meeting, were structured to examine and discuss at least one of five identified issues related to public access. The issues covered were:

- data access focus - who is our target or primary audience;
- data delivery - through what mechanism(s) do we provide the access;
- data content - what types and how much data do we provide;
- data context - what information do we provide to clearly explain the data provided; and

- data access review / correction process - how do we build in a review and correction process for our partners, stakeholders and the public.

Throughout the course of the discussions, the workgroup reached consensus on a number of issues and the consensus items became the basis of this report's recommendations. Issues identified and not fully evaluated, or on which consensus was not reached are not direct recommendations in this report, but are identified in Section VII.

In addition to discussing and reaching consensus on enforcement and compliance public access issues, the workgroup reviewed public access efforts currently in place or underway to determine if any of the existing methods were applicable for enhanced public access to enforcement and compliance data. The workgroup reviewed EPA's Envirofacts system, Sector Facility Indexing Project (SFIP), On-Line Targeting Information System (OTIS), Region 10 Public Access Pilot Project, South Carolina's Environmental Facility Information System (EFIS), Right-to-Know Network (RTK NET), and state web sites. The review was completed to give the workgroup a better understanding of the content and access structure currently available to the states and/or public for accessing environmental information. Where possible, the workgroup wanted to take advantage of the lessons learned, benefit from the practiced methods currently available, and build upon these access efforts if appropriate.

E. Report Structure

Sections II through VI of this report provide a summary of the issues raised in the workgroup conference calls and meeting discussions, and also present the recommendations that arise from the items on which consensus was reached. The full minutes from each of the workgroup's conference calls and the two-day meeting can be found in Appendix B.

Section VII describes those additional, unresolved issues raised in the course of discussions that are to be addressed in discussions with OECA senior management officials and stakeholders, or during the design and implementation of the web site.

Section VIII provides sample versions of a proposed enforcement and compliance web site homepage, query form, and data report. These pages capture potential web site content and functionality, and could serve as a guide for any future development.

Finally, Sections IX and X discuss the Next Steps and Conclusions based upon the efforts of the workgroup and the remaining action items for OECA upon review of this report.

II. DATA ACCESS FOCUS

A. Issues and Challenges

The primary challenge in defining a system to distribute enforcement and compliance data centers around identifying the audience interested in this information. Longstanding experience at the state and federal level in dealing with distributing this information has demonstrated that accurately identifying the audience will provide a useful focus point for all other elements of this project.

There is a wide range of sophistication, knowledge and capabilities amongst members of the public and other governmental organizations interested in enforcement and compliance information. These interests can run the spectrum from individual citizens wanting specific information on a facility in their neighborhood to a public interest group wanting information on all facilities within a specific geographic area or sector. Although it may be useful to tailor or target the information toward one group or another -- for example, presenting data in a sophisticated manner to serve an audience that already maintains a strong understanding of EPA and state environmental regulations and programs, or presenting it in the most basic way to serve an audience with no understanding or familiarity with environmental information -- the diverse audience of potential users requires that data be accessible and understandable to everyone. As such, the type of inquiries available and presentation of data will be key to accommodating all users.

Presentation of data in a multi- and single-media format will also be an important element in helping this diverse group use the enforcement and compliance information. Both EPA and the states are working toward multimedia data systems; therefore, any public data access efforts for enforcement and compliance information should include a multimedia approach for information. Providing the public with multi- and single media access options to the information should not be mutually exclusive.

B. Recommendations

- INTENDED AUDIENCE: *Due to the varied nature of the identified stakeholder audience, the enforcement and compliance data provided should be fully displayed without modification for the benefit of all potential stakeholders.*
(See *Potential Data Users List* Appendix C).
- DATA PRESENTATION: *There should be multimedia and single media options available to the public for accessing enforcement and compliance information.*
- DATA DETAIL: *Enforcement and compliance information should be provided on a facility specific basis as well as in facility summary format.*

III. DATA DELIVERY

A. Issues and Challenges

The delivery of data to the public must be by the most efficient and effective method. There was consensus that the Internet should be the primary method for providing information. Experience has shown that EPA and state web sites are widely used by the potentially interested groups identified in Appendix C. This appears to be a continuing trend that will expand in the future as access to the Internet expands and diversifies.

The availability of enforcement and compliance information on a web site does not relieve EPA and states of their obligations under the freedom of information laws that require data to be provided to any interested person in an accessible format. Therefore, constituents without access to the web would continue to be able to receive information, through a written request, in a format that is useful to them such as hard copy reports and diskettes.

As mentioned in Section II of this report, data delivery via the Internet must be at least as useful and helpful as historic data distribution has been. This includes the consideration of how the data may be presented, i.e. in standardized reports or as unformatted data. State workgroup members felt very strongly that any available data must be accompanied by information about the context in which the data is being displayed. Significant detail regarding this issue is provided in Section V of this report.

B. Recommendations

- METHOD OF DELIVERY: *The primary means for delivery of enforcement and compliance data to the public should be via an Internet web site.*
- ONE ACCESS POINT TO DATA: *EPA should provide the public with one access point to EPA and state data, as this will be beneficial to maintaining consistent data definitions, explanations, and context for enforcement and compliance information.*

IV. DATA CONTENT

A. Issues and Challenges

Selecting the enforcement and compliance information that will be available from an Internet site is of significant importance to EPA and the states because it will define the “story” available to users. Underlying the workgroup’s goal of facilitating the broad distribution of accurate, timely and multimedia data is the need to make that information relevant and as complete as possible. The breadth of information available and the context in which that information exists cannot be understood without examination of specific enforcement and compliance programs along with the data elements that are needed to convey what is occurring in a particular program or regarding a particular location or facility. Data should be provided for those major program areas that citizens are most interested in - hazardous waste, water and air, and where the information is readily available from states and the federal government.

Discussing individual data elements, such as the information available in PCS versus what is distributed through a state’s web site, highlights differences between data collected at the federal versus state level. Data collected at the state level may describe priorities/initiatives particular to that state’s environmental programs. Federal data collection practices are designed to collect a consistent set of information across all states for purposes of assessing performance against federal statutory and regulatory requirements. As such, varying levels of detail are available in different jurisdictions.

The challenge in distributing this information over the Internet will be achieving a balanced picture of state and federal enforcement and compliance activities. To do so, the practical and consistent baseline for currently available enforcement and compliance information must be historically mandatory federal data reporting requirements. Additional information, as available, must also be accessible via state web site links as individual states desire.

B. Recommendations

- SCOPE OF DATA: *The scope of enforcement and compliance facility data provided to the public through an Internet site should include federally required data elements reported in the AFS, PCS, and RCRIS data systems. Additional data provided on the web site will include non-mandatory data elements such as informal enforcement actions and self audit information when available at the state level. Data categories to be available include the following:*
 - Permit Information: *For the NPDES program, permit limits as well as links to discharge monitoring information from PCS should be provided.*
 - Inspections: *The web site should provide inspection/monitoring information that includes: yes/no, dates, inspection program type, type/level of inspection, and lead Agency.*

- Noncompliance: The web site should provide a “yes/no” designation for each media for an event of significant noncompliance (SNC, HPV) or an event of a regular noncompliance/violation (RNC) anytime during the previous quarters and provide compliance schedule information when available.
- Facility-specific elements: The web site should provide the following facility-specific elements: Name, Permit/System ID Numbers, FII Number (Facility Registry System), Locational & Mailing Address, Latitude and Longitude, City, State, County/Parish, Zip Code, SIC Code, Facility Type/Designation, and Tribal Indicator.
- Final Penalties Assessed: The web site should provide a yes/no option and dollar amount for final penalties assessed as part of an enforcement action. (For RCRIS this will include penalty assessed plus SEP amount.)
- Enforcement Actions: Enforcement actions are considered to be “resolved” when the terms are legally established and enforcement actions are “closed” when all conditions have been met and the facility is back in compliance. This category will include federal/state formal administrative and civil judicial actions. An additional enforcement status category such as pending which would include those cases that have been filed/issued but not yet resolved was recommended. A review of the databases to determine what data is currently being captured is necessary before a pending category could be readily included in the web site.
- DATA TIME FRAME: Enforcement and compliance data should be provided on a 5-year rolling basis beginning with Federal Fiscal Year (FFY) 98 data.
- LINKS TO OTHER DATA: The web site should provide the opportunity to display or link to additional data available in primary databases (AFS, PCS, RCRIS), other federally maintained sites, and to state sites.
- DATA REFRESH: Data displayed on the web site should be refreshed on an appropriate periodic basis in order to provide the public with current enforcement and compliance information available.
- LEVEL OF DETAIL: The web site should provide the user the option to access data in tiered format (i.e., the user views a set of data and can “drill down” to additional, more detailed data through links within or between web sites) as well as in a summary format (i.e., data elements common across the Air, NPDES Water, and RCRA programs).
- MAPPING CAPABILITIES: The web site should provide single facility mapping capabilities, demographic information such as census blocks using lat/long, links to TRI data, wetlands, at-risk or impaired water bodies, river/stream classifications and non-attainment areas.
- WEB SITE LAYOUT: The web site will have a main screen with mandatorily reported fields and formal enforcement actions and two options for displaying additional data: (1) a second screen with non-mandatory fields and (2) the opportunity for the user to access a state web

site for more information. A “drill down” capability to more detailed EPA mandatory data and to state data housed on the national databases will be provided.

V. DATA CONTEXT

A. Issues and Challenges

The data currently collected and available regarding enforcement and compliance with environmental laws often requires in-depth knowledge to gain an understanding of the data's meaning. To provide available enforcement and compliance data without context may lead to confusion and misapplication of data. At the national and state levels, data context is essential to explaining differences in definitions among programs and describing the array of activities that are being conducted. Data context can help to give the public the ability to understand a facility's compliance status and the activities undertaken at that facility. Well defined context is crucial to distributing enforcement and compliance information in a manner that is understandable, and whenever possible preventing the public from drawing erroneous conclusions.

B. Recommendations

- Background Information: *Metadata, definitions, and other contextual information must be provided in order to ensure proper and adequate interpretation of state and national data.*
- Tribal Indicators: *The web site should only report tribal data that is currently being put into the data systems, rather than seek additional data or links in this area.*
- Compliance Status: *The web site should include compliance status indicators consistent with the primary databases (AFS, PCS, RCRIS). Therefore, the use of an "unknown" compliance status will be limited to the air program, as it is the only program that utilizes this indicator. This distinction should be noted and the definition of "unknown" should be provided on the web site to ensure that it is understood and appropriately interpreted.*

VI. DATA REVIEW/CORRECTION PROCESS

A. Issues and Challenges

One of the fundamental goals in providing enforcement and compliance data that will be relied on at any level of decision making is that it be accurate. As such, data review and correction – quality assurance and quality control -- must occur.

Established practices and guidance, including the proposed data correction process developed by the EPA's OEI for Envirofacts and the approach undertaken by the SFIP and the Region 10 pilot project, provide many informative examples for ensuring quality of data. Whatever method(s) are chosen, an effective approach would include a primary role for state and regional data stewards, timely and coordinated data corrections to the underlying program databases, and an established method for identifying erroneous data on the web site until it is corrected.

In addition to recommending an ongoing data correction process for the web site, the workgroup decided that the states would have an opportunity to review the enforcement and compliance data before its initial posting on the web site. This up front review process would be limited to the states and not extended to facilities.

B. Recommendations

- *Data Review: States will be provided with an initial opportunity for review of the data to be posted on the web site before its implementation. Subsequently there will not be an up front review of state submitted data prior to its availability on the web site.*
- *Correction Process: A data review and correction process that adheres to the Agency's correction process will be part of this enforcement and compliance data web site.*

VII. ADDITIONAL ISSUES

Although the workgroup came to consensus on numerous items over the course of the conference calls and two-day meeting, there were additional issues raised that members felt were beyond the scope of the workgroup mission. These items are included here to be raised to the attention of OECA senior management (or another stakeholder entity as deemed appropriate by senior management) either as separate action items or as part of discussions concerning the design and implementation of the web site for enforcement and compliance data.

- **Communications plan.** If the workgroup's recommendations are accepted and OECA moves ahead with implementation of a web site for enforcement and compliance information, a comprehensive communication strategy would need to be developed. The strategy would outline the process for unveiling the web site to the public.
- **Language selection.** During discussions on SFIP, it was noted that portions of the SFIP site had been translated into Spanish. Workgroup members acknowledged that this would be a useful tool, particularly in addressing the needs of certain EJ populations. However, there was uncertainty over which languages should be selected and what resources would be needed for effective translation of enforcement and compliance data elements and context.
- **Data quality.** Data content discussions raised the issues of data quality and ownership. Adoption of the proposed data correction process for EPA Headquarters is one solution. The level of resources needed to ensure that this process remains effective will be unknown until the web site becomes available for public use. In addition, the appropriate state contacts for data correction need to be identified and a timeframe needs to be established in order to ensure timely review, determination, and correction of data errors.
- **Common definitions.** Workgroup members noted that the different media systems track different data elements, and that data elements that appear similarly or identically named, are in fact differently defined. Another issue raised was the difference in definitions between activities across states and between states and the federal government. Determining or creating a common terminology for some of the data elements on this web site will be a contextual challenge in light of its multi-stakeholder, multimedia data focus. Specific examples include enforcement actions ("completed," "closed," or "resolved" and violations versus noncompliance).
- **Current enforcement actions.** Workgroup members expressed concern that the type and/or level of data provided could adversely affect ongoing enforcement action investigations and activities. Alternately, providing data only on "completed" enforcement actions would provide a misleading picture to the public on the scope and timeliness of enforcement activities.

- **Data presentation.** Although there were discussions during the data content meeting on possible methods for displaying the data elements on which the workgroup came to consensus, no conclusions or consistent recommendations were made. Suggestions were given for some data to be provided via links, some data to be provided in detail on the web site page, and some data to be provided in both ways. A methodology for determining which data elements would fall into which categories was not defined.
- **Data standards.** In light of other data access efforts currently underway throughout EPA (e.g., EPA/State Stakeholders Forum and EPA/State Data Standards Council), consideration must be given to the work and recommendations of these efforts when reviewing, prioritizing, and implementing the recommendations detailed in this report. This will ensure a consistent and comprehensive approach across the Agency.
- **Release of data.** Consideration will need to be given to state sunshine laws as discussed on the January 20 conference call.

VIII. SAMPLE WEB SITE REPORT PAGES

IX. NEXT STEPS

The report will be distributed to OECA senior management officials and stakeholders identified by EPA Headquarters and the workgroup (e.g., NAAG, ECOS, etc.). OECA management will then decide which of the proposed recommendations will be implemented. During the review process for the recommendations report, work will begin on the communications and public data access strategy to address the issues raised in the workgroup's discussions on data access, data context, and data review/correction. A Time frame for design and implementation of the enforcement and compliance public data access Web site will be determined, contingent upon OC resources. This Time frame will be closely tied to the resolutions and action items outlined in the communications and public data access strategy.

X. CONCLUSION

The enforcement and compliance data public access workgroup process provided EPA, state members of ECOS and a NAAG representative with the opportunity to discuss public access issues in an open and collaborative manner. The multiple conference calls and two day meeting produced many valuable ideas and recommendations to help EPA and states to achieve the goal of making quality and multimedia enforcement and compliance information available to the public.

The ideas and recommendations put forth in this report arose from a productive dialogue by EPA and the states, and the effort has reaffirmed a commitment to public access. The workgroup looks forward to receiving feedback from both OECA and its state partners concerning the recommendations put forward in this report. If the recommendations are accepted, and implementation of some or all of the recommendations is advised, the workgroup will reconvene to assess its role for the implementation phase.

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APPENDIX B - ENFORCEMENT AND COMPLIANCE DATA PUBLIC ACCESS WORKGROUP CONFERENCE CALL AND MEETING SUMMARIES

I. January 20, 2000 Conference Call

Introduction and Kick Off

- Fred Stiehl opened the call by introducing the workgroup co-chair, Jim Dusch and the other workgroup members.
- Fred then provided some background on the Agency's commitment to providing more public access to enforcement and compliance data. In July 1997, the Administrator directed the Agency to accelerate efforts to enhance the public's access to information they needed to make decisions about their health and environment. Through outreach meetings and feedback forums with stakeholders, public access has been repeatedly identified as an area that the public would like to see the Agency take a strong lead in and get more enforcement and compliance data out to the public. Included in OECA's *Action Plan for Innovation*, which is the result of the extensive outreach to stakeholders, is an action item for providing public access to compliance data.
- The following two web sites provide summaries of the OECA's communication and outreach efforts to stakeholders in which public access was identified as an area of great interest :
- 1. "Innovative Approaches to Enforcement and Compliance Assurance; Action Plan to Innovation"; Web site: <http://www.epa.gov/oeca/innovative/approaches.html> and
- 2. "Executive Summary of the East and West Coast Conferences"
Web site: <http://www.epa.gov/oeca/innovative/execsum.html>
- Jim Dusch, workgroup co-chair from the state of Maine, added his perspective and goals for the public access group. Jim said that Maine is very much in line with EPA's goal of information disclosure. Additionally, Maine wants to assure that the release of any data would not negatively impact an ongoing investigation. Jim then asked that the other callers be queried as to their goals for the group.

Summary of States' Issues

The following is a summary of issues and goals identified by state workgroup members - important to develop a common "data" language between media programs to assure that we are all speaking the same language; provide a context for the data that is released; assure that on-going investigations are not impeded or compromised by the release of data; assure that the data released is of the highest accuracy; be mindful of state sunshine laws; and address resource issues that will be required for data quality. Additionally, the states felt that it was important that they be involved in the public access data product review process in advance of its release.

Summary of EPA's Issues

The following is a summary of issues and goals identified by EPA workgroup members - it is important that the group take advantage of the experience and lessons learned from the Sector Facility Indexing Project (SFIP); and that there be a data quality error correction process. Additionally, EPA proposed the use of SFIP and/or Envirofacts as a template for going forward.

Workgroup Goal

- Fred Stiehl discussed the workgroup charge which is to provide recommendations to OECA for providing enhanced public access to multimedia enforcement and compliance data which adequately addresses public access issues.
- Fred Stiehl also discussed the goal of the workgroup to identify federal and state issues regarding the release of enforcement and compliance information to the public. In addition to identifying the issues, the workgroup should try to reach broad agreement and consensus on how the issues can be addressed satisfactorily. Fred noted that we don't have all the answers; and that we each come to the table with experience and knowledge we want to take advantage of in this effort. He further noted that we want to make sure everyone's views are heard; and in cases where an agreement cannot be reached on an issue, the group's input and discussion will be documented and forwarded as part of the workgroup's final recommendations to OECA.

Workgroup Process

- Fred Stiehl went through the workgroup process noted on the conference call agenda which included contractor support, the workgroup schedule, and a list of four public access issues to be addressed by the group: 1) Data Delivery, 2) Data Content, 3) Data Access Focus, and 4) Data Access Review / Correction Process.

Proposal For Proceeding

- The group had no objections to the proposed sequence of bi-weekly conference call discussions.

Group Discussion

- **Existing Public Access Efforts**

A number of workgroup members mentioned existing systems for providing public access to compliance and enforcement data. These systems include SFIP, OTIS, Envirofacts and RTK-Net. Region X is currently engaged in a pilot project that would give access to enforcement and compliance data using IDEA. It was agreed that these systems and projects should be reviewed for lessons learned and for any other information that may be gleaned. Art Horowitz agreed to gather information on any current state efforts underway for releasing compliance and enforcement data. The group agreed that on the next conference call, those individuals familiar with any of the above systems or projects could provide an overview for the group.

Next Steps

The group decided that the conference calls would be held on every other Thursday at 11:00 a.m. EST. The next call is scheduled on February 3rd and will last until 1:00 p.m. EST. Details on call-in number and access code will be provided.

Lucy Reed asked that anyone who would like to have information presented on an existing public access effort during the next conference call provide that information to Lisa Raymer by January 28. Lisa's e-mail address is Raymer.Lisa@EPA.gov and her phone number is 202-564-7059.

II. February 17, 2000 Conference Call

Introduction

Call participants introduced themselves and Fred Stiehl reviewed the proposed agenda.

Administrative Items

- Fred noted that he needed fax numbers for the non-EPA participants, particularly since the shutdown of the Agency's Internet access (a revised workgroup list is attached to these minutes).
- There will be a face-to-face meeting on data content March 21-22. All call participants noted that their calendars were clear, but Felicia George Robinson mentioned that she had some funding issues for travel that she was working on. The meeting space is accessible via Metro. A list of hotels will be sent to the group.
- The issue of data delivery will be discussed on the next conference call; although, if time permitted there would be some preliminary discussion on this call.

Data Access Focus Discussion

Primary Audience

Ken Blumberg noted that states are an audience *and* user of shared data, the same as EPA. Fred opened up the discussion on who is our primary audience (s) and asked if there were any additions to the list of audiences provided to the group. The group agreed that the list was accurate and complete, but it was suggested that an international audience be added to the list.

It was noted that for SFIP, there was interest from regulatory agencies and states, some marketing and media groups, associations and environmental groups, EPA internal audiences, and academia. There was not much interest from law organizations, Congress, or consultants. A recommendation had been received to reach out to the average citizen, but there were not enough resources to market that.

Summary of Issues

The two issues raised in the discussion were the tailoring of data to a particular audience and the sophistication of that audience. There were concerns that tailoring the data would make it exclusionary. The group agreed that although there would be a diverse audience, the data should be equally accessible to everyone. There really shouldn't be a need to tailor the data because data should mean and be interpreted the same regardless of who the audience is. The presentation of data may be somewhat different for the different audiences.

Jim Dusch suggested that we make sure that the context of the data is consistent. He further suggested that not only the where, who, and what, but the “why” we collect the information should be a part of what we provide. In response to a suggestion that the group examine the “why” of data collection, Fred said that EPA wanted to stay away from the appearance of public manipulation.

In following with the above discussion of “who is our audience” the question of providing the data in another language was raised. Felicia stated that in Texas, California, and other areas that might be very good idea. She noted that her office will be doing bilingual publications. Mamie said that SFIP had been translated by a staff member during the last year. Unfortunately, there are no good software programs for translation; there still needs to be an up-front manual translation effort. Determining what languages to present would be another area for discussion.

Media Focus

The Agency is launching efforts towards implementing an multimedia approach to information management. Given the Agency direction, it is appropriate that the group move toward a multimedia focus for the enforcement and compliance data public access efforts. Assuming there are common standards, data will continue to be entered for the single media systems and then pulled together. There are a number of states moving toward a multimedia approach to information management. Ken Blumberg commented that he does not see multimedia and single media options as mutually exclusive. Jim Dusch asked for a state rundown on the status of multimedia information management.

Summary of State Media Focus

- Indiana has a media-specific system. On the enforcement side, they are working on a multimedia database using an EPA one-stop grant.
- Oklahoma also has a one-stop grant; they are trying for a multimedia database.
- Missouri has a one-stop grant and is trying for a multimedia database.
- South Carolina compiles a report on a monthly basis; there is also a cross-media summary on their web site.

David Tetta suggested that a multimedia approach encourages data quality and disciplined data entry. For example, in the multimedia approach there can be only one name, one address, etc. Whereas the single media approach allows the many names and many addresses per facility to continue.

Summary of Multi Media Discussion

The group reached consensus that a multimedia approach is what the group should be aiming for. The workgroup is focused on multimedia presentation of data and not multimedia data reporting.

The group also came to a consensus that the ability to provide facility specific information should

be part of the group's recommendation. The public, wanting to access information about facilities in their area or neighborhood, have a real need for facility specific information. Maine pointed out that facility specific information is acceptable but careful attention to definitions and context needs to be emphasized. In addition to facility specific information, sector and geography presentation of data should be built in.

Data Delivery Discussion

The questions posed to the group were: How should the information be provided (by what method/means)? In what format should the data be delivered (standardized vs. raw data)? Ken noted that none of the options were mutually exclusive; a robust interface would provide flexibility, and the only impediment may be stakeholders without Internet access.

Summary of Method Issues

Mamie noted that trying to hone down data for reports on a timely basis and still keep widespread distribution would be difficult. It also may not cut down on FOIA requests. It was noted that most of EPA HQ requests have been for data in the electronic form. Fred asked if they, as a group, had an obligation to provide data in a form, other than the Internet, to the public, perhaps as an annual or quarterly report. It was requested that the two issues—the standard report on the Internet and the hard copy efforts—be kept separate.

Fred asked if there was consensus to deliver data primarily through the Internet. There were no objections.

Summary of Format Issues

There was discussion on whether to make data available as standardized reports or in raw format. Concerns expressed about providing raw data included data quality and providing enough definitions and context. Fred noted that there had been a meeting of the ECOS Information Management subcommittee and that minutes from that meeting would be sent to the members of this workgroup; the ECOS subcommittee had split on the issue of providing raw data. In addition, there was concern about the *amount* of data to be provided, considering the size of the databases from which data would be pulled. Bill cautioned the group against making judgments regarding data quality and context that might limit public access to available data.

Jim noted that it might be helpful to talk about the information available in databases *now* and how that would shape the eventual presentation of the data. It was suggested that for the next meeting a sample standardized report and sample raw data printout be provided to the group. Jim had an example of information they downloaded and used locally to create graphs, etc.

The data delivery discussion will continue on the next call.

Action Items

- A list of hotels will be sent to the workgroup.
- ECOS Information Management subcommittee minutes will be sent to the members of the workgroup if available.
- Sample printouts of standardized data reports and raw data will be circulated to the workgroup prior to the next conference call.

Group Consensus

- The group agreed that the data provided should not be tailored to a particular audience.
- Fred asked if there was consensus that they should be multimedia focused, or whether there needed to be more discussion. No one asked for further discussion.
- Fred asked if there was consensus to deliver data primarily through the Internet. There were no objections.
- Fred asked if there was any problem with the workgroup proceeding with the working assumption that we should, at a minimum, include facility specific information in what we provide. There were no objections.

Next Steps

The next call will be on Thursday, March 2. The agenda will be distributed by February 24. Fred will be on vacation on March 2, so Jim will chair the March 2 call.

III. March 2, 2000 Conference Call

Introduction

- Call participants introduced themselves and Jim Dusch reviewed the proposed agenda.

Administrative Items

- Jim did not receive a copy of the minutes from the February 17 conference call. Lisa Raymer will resend them to Jim.

Jim asked the group about their attendance for the March 21 - 22 meeting:

Jim will be attending

Ken is pretty sure that he will be attending

Wendy will be attending

David will be attending

Felicia will not be attending, but would like to call in for part of the meeting

Joe will be attending

Bill Kreckler will be attending

Jim suggested that anyone with Metro or other travel concerns contact EPA headquarters

Review of Consensus Items from 2/17/00

- Anne Lassiter reviewed the consensus items from the last call: 1) the data should not be tailored; instead, it should be broad enough to serve multiple audiences; 2) multimedia is a good idea, but there should also be a single medium option; 3) the information should be provided on a facility-specific basis in contrast to just summary information; and 4) the Internet should be the primary delivery vehicle. Everyone agreed that these were the items in which consensus had been reached.

Data Delivery

Summary of Data Access Issues

Data access issues focused around the need for remembering who our audience is and the different needs for each audience. There were concerns that certain groups would not have Internet access or that the data they're seeking would not be on the web.

Environmental Justice groups were an example of an audience who potentially would not have Internet access and would not have their data needs addressed. It was noted that for those people without access to the Internet, EPA has a legal responsibility to provide the data in hard copy or on diskette. EPA currently fulfills this obligation through Freedom of Information Act request. Some states and regions allow the public to come into their offices to view data and reports.

The marketing of environmental information and data access was discussed. Both Headquarter's and the states have done some marketing of their data and program information by providing leaflets and pamphlets at public meetings or providing leaflets and pamphlets to their public information offices for distribution. EPA Headquarters has worked with the EPA Environmental Justice Office to market SFIP but found their contact information to be less than comprehensive. It was noted that a focused affirmative approach to marketing, needs to be part of a public access strategy and that it needs to include EJ constituents.

Summary of Data Format Issues

There was discussion on the meaning of "raw data." It was agreed that a better term might be "unformatted data." There was additional discussion on the use and meaning of "metadata." It was agreed that metadata could be defined as a kind of context for data (data about data), and could be used in conjunction with unformatted data to provide definitions and explanations.

The discussion on data format moved on to address the differences between EPA and state definitions of activities and how the group could address some of these differences. For example, differences arise when EPA data collected is compared to the data collected by the state. A national system collects more of the larger "bean" types of data such as formal enforcement actions or specific types of inspections. A state system collects that type of "bean" information along with more state-specific activity information such as warning letters (in the category of enforcement actions) or other types of state inspections that may not be recognized or counted in a national system. For the states, the issue becomes apparent when data made available to the public does include this state-specific information. The public is left with a skewed view of the activities being done at the state level. It was noted that by providing only summaries of SNC rates or summaries of enforcement actions conducted, there is a loss of information provided on the additional state activities.

It was also noted that in order to provide a full picture, both types of data would be needed to provide an accurate contextual perspective of activities. It was recommended that the Internet format should not further limit the available of the data by eliminating state-specific activities. This may require a reexamination of what information is of common interest, and may also mean the inclusion of metadata in order to provide the proper context or caveats for state data.

The discussion moved on to the area of data standards and definitions and Anne reported that the Data Standards Council was just starting to meet on addressing data standard issues. Someone from the council will provide an update on the councils' activities at our two-day meeting on March 21st and 22nd.

Summary of Data Reports Discussion

An overview of Envirofacts and SFIP retrievals and the types of reports that can be produced from these systems was conducted. A walk through of the reports generated discussion regarding the use of tiered data (SFIP reports) and the ability of a user to construct a report by self-selecting data (Envirofacts). The workgroup stated that both of the options (tiered and self-selecting) would be beneficial to the public and would meet the varying information needs of the public. There will be live demonstrations of Envirofacts and SFIP queries at the March 21-22 meeting.

Copies of a report and a data file produced from Permit Compliance System (PCS) were presented to the group. A standard report from PCS was provided as an example of formatted data and a PCS file was given as an example of unformatted data. The formatted PCS report is a stand alone document to be read as is, whereas the PCS data file requires accompanying information for interpretation and use of the data provided.

Action Items

- Lisa will resend the minutes from the February 17 conference call to Jim.
- Anne agreed to invite a member from the Data Standards Council to give a presentation at the March meeting.
- There will be live demonstrations of Envirofacts and SFIP queries, if access to the EPA system is available, at the March 21-22 meeting.
- A draft agenda will be sent out for group review prior to the March 21-22 meeting. The group should assume it will be a full two-day meeting.
- EPA Headquarters staff will provide the workgroup a list of enforcement data elements for all three databases (RCRIS,PCS,AFS).

Group Consensus

- Although the Internet will be the primary medium for data delivery, other options need to be explored as backup.
- The web site should provide state data beyond the current EPA national database information. Whether that data is contained on one multimedia web site or linked to state systems was not decided.

Next Steps

The next meeting will be March 21st - 22nd to discuss data content. EPA Headquarters staff agreed to provide the workgroup a list of enforcement data elements for the three databases (RCRIS,PCS,AFS). The length of these documents would determine whether copies would be sent out in advance or made available at the meeting. Jim asked the group to send any additional thoughts about the meeting to Lisa or Lucy.

IV. March 21-22, 2000 Meeting

Opening Remarks

- Mike Stahl, Acting Director for the Office of Compliance, welcomed the group and thanked participants for their involvement and hard work in the public access workgroup. Mike reiterated this Administration's commitment to public access and noted that the recent OECA Action Plan contains recommendations for increased public access to information. The importance of this workgroup's efforts are highlighted by the fact that (1) the public owns most of the data - EPA is merely a data steward for the public's data; (2) access to data empowers the public to take action regarding the environment; (3) public access changes the behavior of regulated entities and compliance improves as a by-product and; (4) public access forces data stewards to ensure data accuracy and timeliness.
- In response to concerns about recent security issues, Mike Stahl noted that there has been an accelerated and increased look at security. Mike emphasized that increased data security should not come at the expense of the public's access to information.

Introduction & Administrative Items

- Meeting participants introduced themselves. In addition to workgroup members and presenters, Maureen Findorff and Michelle Mellon were present from Marasco Newton Group to provide facilitation and note taking support respectively.
- Fred reviewed the proposed agenda, Maureen provided information on the meeting facility, and Michelle reviewed the meeting packet contents.
- Fred conducted a brief review of the conference calls to date and a workgroup progress handout that highlighted the discussions and consensus items to date. Lucy Reed asked the group to add any items that had been omitted and to remember that the work to date, and over the next two days, would be feeding into the recommendations report.
- There was a brief review of the discussion on the March 2 Data Delivery conference call. The group agreed to provide the opportunity for links to state Web sites.

Update on Other State/ EPA Public Access Workgroup Efforts

Summary of EPA/ State Stakeholders Forum Update — Heather Case, OEI

The stakeholders forum consisted of focus groups to determine data issues. These included providing opportunities for stakeholder involvement; disseminating environmental information; ensuring data accuracy; balancing public interests; and enhancing public understanding. Heather reviewed the Action Plan that came out of the forum discussions which included developing options for early release of data and an error correction project.

A summary of the forum as well as issue papers on the five focus group topics listed above are available on the Internet at <http://www.epa.gov/OEI/issuepapers/>. Additional information can be obtained from Odelia Funk at 202-260-9702 or Chris O'Donnell at 202-260-5244 in OEI.

Summary of EPA/State Data Standards Council Update — David Meredith, EPTDD

The Council examined nineteen identified data categories for potential data standardization. Permitting and enforcement data emerged as the leading candidate for the standardization project. A report on permitting and enforcement standardization is expected for full Council review in April. David Meredith stated that all current projects should continue to move ahead without concern that future standardization will curtail or slow down ongoing projects.

Fred noted that the first phase of the Agency-wide modernization efforts are scheduled to occur by October 2000.

Data System Access Web Site Demonstrations

Summary of SFIP Demonstration - Mamie Miller, OC

SFIP data can be made available as an aggregate data summary through an online easy search, or an online custom search. The aggregate data summary provides an overview and baseline presentations for individual facility comparisons. The online easy search results can be displayed as facility statistics, a detailed facility report, or an ERNS incident report. The online custom search allows the user to “mix and match” the data elements. Customized reports and data downloads are also available.

Summary of OTIS Demonstration - Mike Barrette, EPTDD

OTIS was designed for EPA regional offices with the goal of providing easier access to IDEA information on a WEB platform. Although there are currently no plans for public release, the features and reports are transferrable to other Web sites. Like SFIP, OTIS has a variety of search and report options.

Summary of Envirofacts Demonstration - Bill Grabsch, OEI

Unlike SFIP and OTIS, Envirofacts has little enforcement and compliance data. Envirofacts does provide for single media retrievals and mapping capabilities.

March 21 Group Discussion

The workgroup spent the day discussing and weighing the different compliance and enforcement data to be displayed. The discussions covered the differences between data collected at the federal level and at the state level. As in past workgroup discussions, it was emphasized that caveats and descriptions must be provided to explain the differences in state and federal activities and how this influences data collected. Formal and informal enforcement actions were discussed as an example of the different activities that are conducted and tracked. States conduct and track informal enforcement actions such as

warning letters. This information is not always tracked at the federal level. In order to present a complete picture of state activities, these types of informal enforcement actions cannot be ignored when presenting state information. The workgroup again agreed to provide links to state data whenever possible.

Mamie Miller raised the issue of data quality and the need for better data stewardship on the part of the states, regions, and headquarters. Fred Stiehl agreed that data quality is very integral to the project and that data quality is an effort that is consistent across many projects within the Agency.

Group Consensus

1. The baseline for compliance and enforcement data to be shared with the public will be those items states are mandatorily required to report pursuant to federal guidance.
2. The Web site will provide the opportunity to link to state Web sites for further compliance information. Upon further discussion, this was amended to include data from other types of stakeholders.
3. The compliance and enforcement data categories will consist of the following:
 - inspections/monitoring reporting
 - compliance status of facilities violations (Y/N, SNC, RNC, HPV)
 - enforcement actions include information actions to the extent they are required
 - compliance schedules
 - penalties assessed - for RCRIS this will include penalty assessed plus SEP amount
 - federal/state administrative and civil judicial actions issued, filed or closed

March 22 Group Discussion

The second day of the meeting opened with a discussion of mandatorily required data elements for PCS, AFS and RCRIS. EPA Headquarters agreed to get definitions of the required data elements and provide them to the workgroup.

The workgroup discussed facility-specific information that could be provided and **agreed** that the following data elements should appear on the public access web site:

Facility Specific Data Elements

- Facility Name
- Permit ID Numbers
- FII Number (FLA/FRS)
- Locational address
- Mailing Address
- City
- State
- County/parish
- Zip code
- SIC code
- Facility Type/Designation
- Tribal indicator

The workgroup's discussion then moved on to cover additional data types that could possibly be included on the public access web site. Fred Stiehl reminded the group that all recommendations are contingent on resource availability.

Additional Data Types or Information

- Mapping capabilities - perhaps using Envirofacts
- Linkages to demographic information such as census blocks using lat/long
- TRI data - provide a yes/no option for users to link to the TRI site
- Wetlands, at-risk lakes and river classifications

Web Site Data Scope and Update Cycle

The workgroup discussed the scope of the data to be provided and the timing of update cycles. The group **agreed** to the following:

- Data provided should start from FY 98
- Data will be provided for 5 years at a time
- Once the 5 year time period has been reached, data window rolls forward
- Web site will be updated on a monthly basis

Additional Consensus Items

- Providing the public with one way of accessing all EPA data is useful in providing context to enforcement and compliance data.
- The Web site for enforcement and compliance data will provide permit levels along with discharge information for information that comes from PCS.
- The Web site for enforcement and compliance data will **not** contain information from ERNS, NCDB, or NARS.
- The Web site for enforcement and compliance data will provide information on inspections that includes: yes/no, dates, inspection program type, type/level of inspection, and lead Agency.
- The Web site for enforcement and compliance data will provide a yes/no option for each media for an event of noncompliance anytime during the quarter.

Action Items

- Heather Case will check for information concerning formation of workgroups as a result of the stakeholders forum.
- EPA Headquarters will provide a list of the mandatory data elements for PCS and AIRS.
- Ken Blumberg will provide a list of the mandatory data elements for RCRIS.
- Felicia will send her comments on Data Correction to EPA HQ, since she will be unable to attend the April 6 conference call.
- EPA Headquarters will look into the possibility of getting definitions for the current system data elements.
- Art Horowitz will send Lucy a PDF file regarding reconciliation of multimedia enforcement actions for distribution to the workgroup.
- Ken Blumberg will look into the possibility of linking facility-specific information and census blocks through lat/long information.
- David Tetta will investigate Envirofacts layers such as wetlands, at-risk waterways, river classifications, etc., and report back to the group.
- David Tetta will look at the OTIS classifications across media for violations and report back to the group.
- Workgroup members should review state Web sites as models for how violation information is portrayed. One suggestion for review was <http://www.dep.state.pa.us>
- EPA Headquarters will send the phone number and access code to the workgroup for the March 30 data context conference call. Headquarters will also send out bullets for discussion on the 3/30 call.

Next Steps

- The workgroup will have a conference call on March 30 to discuss data context.

V. March 30, 2000 Conference Call

Introduction

- Call participants identified themselves and then Fred Stiehl reviewed the proposed agenda.

Administrative Items

- Fred thanked the participants for attending the March 21-22 meeting on data content. There were many items of consensus, and other items to be discussed in further detail. Full minutes from that meeting will be sent out by Monday, April 3, 2000.
- Consensus items from the March 21-22 meeting were already sent out to the workgroup. No questions or issues were noted for change to these items.

Data Context Discussion

- Fred discussed the need for a communications strategy, and approaching state associations as an audience to which the recommendations of this workgroup can be sent. EPA Headquarters has been looking at workgroups in air, water, hazardous waste, and pesticides. They can send out a list of proposed workgroups. Fred requested suggestions for additional target audiences.
- Steve Thompson suggested the ECOS compliance committee (chair is Dennis Hemmer) and the information workgroup (chair is Dana) that was part of the ECOS strategic plan committee. Art Horowitz also suggested NAAG.

Summary of Discussion on Universe of Facilities for which Information is Provided

The current proposed data set—air, surface water, and RCRA hazardous waste—would be limited to “major” facilities. Fred proposed including context language that explained that there are other regulated facilities not included in this presentation of data, and perhaps adding a link to state “minor” data. Felicia agreed with the stipulation that it be made clear that the minor data is not required reporting. There was some discussion on presentation options, including header links to definitions and drill-down ability for more complex explanations of the data. There was also brief discussion on issues raised at the March 21-22 meeting regarding perceived pressure on states to report non-mandatory data. Steve noted that it’s important for the public to know everything that’s going on at a facility, and that this concern could be addressed by providing a disclaimer similar to the one proposed for major versus minor data. Fred proposed having a main screen with mandatorily-reported fields and formal enforcement actions, and two options for displaying additional data: (1) provide a second screen with non-mandatory fields or (2) send the user to the state site for more information. Jim suggested that states might want the opportunity to present more data, while Steve noted that some states may be relying on the national systems to report their data. Fred suggested providing both options. There was no disagreement, although Steve expressed concerns about how the data would

be displayed.

Summary of Discussion on Context for Enforcement Actions and Definitions

Fred asked for suggestions for informal enforcement actions other than NOV's and warning letters. He noted that the accepted definition for a formal action was one that was enforceable without an additional order. Steve suggested consensus orders without penalties. Felicia noted that these activities are named differently across media, and suggested describing what's on the Web site and defining it that way. Jim noted that rather than try to create a consolidated general definition across media and between the states and the federal government, that the federal government definition be used. The workgroup agreed that the data provided would be formal enforcement actions as defined by the federal government. Fred noted that Headquarters can send out a definition of these actions across the different media types. The workgroup further agreed that informal enforcement actions were NOV's and warning letters. There was discussion on the language for "closed" enforcement actions. The workgroup agreed that "resolved" actions are when the terms are set, and "closed" is when all conditions have been met and the facility is back in compliance. There was some discussion on how these items differed in their entry into the different media systems, and how this Web site might need a new term to be defined and explain the data presented (e.g., "completed").

Summary of Discussion on Context for Compliance Status of Facilities

There was discussion on the use of "unknown" as a compliance status for those facilities for which up-to-date inspection or reporting data was unavailable. The issue raised was establishing a cut-off point to make this determination. Art stated that he would check with Mark on a possible definition for the unknown tag. Ken expressed discomfort with the idea of using unknown as a category type because it raises the issue of "why?" Art offered to look into the percentage of reporting as unknown in the current systems, however, the workgroup agreed not to use unknown as a compliance status category.

Summary of Discussion on Description of Non-Compliance

There was discussion on the connotation of "violation" and the need to be cognizant of providing data that may be enforcement-sensitive. Tracking violations "addressed" would give the uneven impression that the government was on top of all instances of non-compliance. Discussion then focused on how to provide the public with a snapshot of a facility and explain how it can be in non-compliance but not in violation. Ken noted that there was no definition difference, and Felicia expressed concern that putting noncompliance at the same data level as SNC, RNC, and HPV might be misleading. Fred suggested using the term violation with a back-up page explaining the differences across media. He will put something together and run it past the workgroup for review.

Summary of Discussion on Context for the SNC Rolling Window and How This Affects the Context for Data Provided

Fred noted that in the water program, SNC is determined on a quarterly basis. Lucy noted that the quarters lag, and that this should be explained in the context provided. Art noted that in the air program, the system is updated with each inspection. The workgroup

determined that timeframe might not matter, as SNC appeared to be determined by particular programs and policies.

Summary of Discussion on Context for Tribal Land Identification by EPA and States' Concerns with Identification of Indian Land

Fred noted that there is an ongoing dispute on the definition of Tribal land. Steve agreed that "tribal land" could mean land owned by the tribe as well as land owned by tribal members and put in trust; it was always changing. Fred noted that they shouldn't exclude the data that's in the system now. The workgroup agreed to only report what's being put into the systems currently.

Group Consensus

- The Web site will have a main screen with mandatorily-reported fields and formal enforcement actions, and two options for displaying additional data: (1) a second screen with non-mandatory fields and (2) the opportunity to send the user to the state site for more information.
- The workgroup agreed that the data provided would be formal enforcement actions as defined by the federal government.
- The workgroup agreed to **not** use "unknown" as a compliance status category.
- The workgroup agreed to report only the tribal land data that is currently being put into the systems.
- The workgroup agreed that informal enforcement actions consisted of NOVs and warning letters.
- The workgroup agreed that enforcement actions are "resolved" when the terms are set, and enforcement actions are "closed" when all conditions have been met and the facility is back in compliance.

Action Items

- EPA Headquarters will send out a list to workgroup members of proposed audiences for review of the workgroup recommendations.
- EPA Headquarters will send out a definition of formal enforcement actions across media.
- The mandatory reporting requirements for air will be provided to the workgroup within the next week.
- The draft recommendations report and data presentation mock-ups will be pulled together over the next few weeks and will be provided for workgroup review prior to the April 27 conference call. Changes received from the workgroup will be incorporated into the

report version circulated for review to EPA Headquarters and identified stakeholders.

- Fred Stiehl will prepare a mock-up of a violations page with back-up explanations on differences across media.

Next Steps

- The next conference call will be on April 6, 2000 to discuss a data access review/correction process.

VI. April 6, 2000 Conference Call

Introduction

- Call participants introduced themselves. In addition to the workgroup members, Pat Garvey and Kim Orr from OEI were on the call to discuss the Agency's proposed data correction process.

Administrative Items

- Fred Stiehl noted that the minutes from the March 21-22 meeting had been sent out previously to the workgroup for review and asked for comments. None were received. Minutes from the March 30 conference call would be sent out later today. In addition, the draft outline for the recommendations report would be sent out later today for workgroup review. Members should respond if they feel there are changes needed to the proposed format of the report. Fred also confirmed that workgroup members received the AFS mandatory data elements. He noted that they should have already received the data elements for PCS and RCRA.
- For this conference call, Fred posed the following questions: For data access review, to what extent does an opportunity for review need to be provided prior to posting data? What process should be used to provide corrections to posted data?

Data Access Review/Correction Process Discussion

Summary of EPA Data Correction Process

Fred noted that if the workgroup used Envirofacts as the vehicle for compliance and enforcement data, a data correction process would already be built in. If not, their web site would need to adhere to the Agency's process. Kim Orr reviewed a flowchart on the proposed process for the Agency. She noted that about a year ago, the IG, Congress, & GAO stated that EPA had no correction process for data errors. OEI was asked to put together a process. They started with Envirofacts and are moving out to other systems. The process is as follows: There is a form to fill out with contact information and affiliation, and the opportunity to outline and describe the error to be corrected. A Data Quality Action Officer reviews the notification to ensure that there *is* an error, and (1) works with the data stewards in the state or Region to research and correct the error or (2) contacts the facility to have it correct the error. Once the error is fixed, the system is refreshed with the correct data. The plan also proposes an "error flag" that will be posted once an error is confirmed by the state or Region. This flag would indicate to a user that an error had been reported, provide details on the error, and show how the data will look once it is corrected. The flag would be removed once the error was fixed. Pat Garvey noted that OEI met with industry representatives on April 5, and that these representatives were pleased with the process.

Pat and Kim both noted that currently there are less than 10 notifications of errors per month in the different data systems. Fred expressed concern that as compliance and enforcement data accessibility increased, the number of error notifications might also rise.

In response to a question about the process, Kim noted that if a reported error is determined to be invalid, the notifier is contacted and the reasoning behind the determination is conveyed to him/her. Steve Thompson asked about the number of valid errors among those 10 or fewer notifications per month. Pat responded that there is currently no follow-up information available on the results, but that ICR will close the loop once the process is fully in place. Dave Tetta asked about plans for documentation of errors. Pat noted that it varies by data element and across programs. The web page requests contact information for the notifier so that the required documentation can be forwarded to him/her. Kim clarified that this will not be used as a data collection vehicle. Regarding timeframe, the current suggestion for database owners is to make changes within 8-10 days, however, this process is not intended to apply pressure beyond what people are currently doing. Pat noted that they can't force database owners to submit correction forms, and that the refresh timeframe for data is system-specific.

Summary of Region 10 Public Access Pilot Proposal for Data Review

Dave reviewed the outline he sent regarding Region 10's process for data correction. He noted that it was similar to the process outlined in Kim and Pat's flowchart. There's an online form with context regarding turnaround times and efforts to work with the states. Notifiers are asked to provide comments particular to each program and receive an automatic email (based on how the form is filled out) that gives the notifier the documentation requirements. Region 10 is still working on who receives the notification (state or EPA). After a verification review, an area on the web site indicates that a comment was received on that facility. A notification is sent to the program person regarding the comment, and staff at EPA track and check in with program personnel to get status reports. Region 10's plan is to send letters to 400 facilities to see what kind of response is received. The facilities will have a 30-day window to review and correct their data. Region 10 will then broaden their scope and publicize the availability of data for approximately 4,000 facilities. Due to the new EPA system access restrictions, there is currently no means for states to directly update their enforcement information. Dave reported that this problem might be remedied in the next 2-4 weeks, so they anticipated sending letters out to facilities at the end of April.

Summary of SFIP Data Access Review/Correction Process

Prior to the May 1998 release of SFIP, EPA Headquarters sent facility-specific information to the Regions two times for review and comment. The Regions were encouraged to share this information with their states. Few comments or changes were received. In response to an industry request to review their facility data, hard copies were sent out to industry for their review. Of the 37,000 "major" data elements available, comments were received for 10%, and half of those comments were accepted. Of the 19,000 "minor" data elements available, comments were received for 5%, and half of those comments were accepted. The end result was a 96% accuracy rate of the data sent out. Eighty percent of the comments received were for duplicative enforcement actions reported. Comments were sent to EPA Headquarters and Headquarters decided where to send them from there. On the SFIP web site currently there is the opportunity to submit comments along with contact information for the commenter to provide details. Comments can be sent by mail, via email to Headquarters, or via the SFIP hotline. Changes are incorporated in a subsequent refresh of the data. In mid-June 1999

SFIP added a significant number of new data elements, and has received comments on less than 1% of those. Mamie Miller commented that an increase in compliance data provided may not mean an increase in the number of errors. She noted that facilities want buy-in to the process, and that changes to the data need to be made at the appropriate levels, not by EPA.

Fred asked about other correction processes and the appearance of burdening the states. Steve noted that with the current volume and the fact that states are not responsible for correcting all errors, there did not appear to be a significant burden on the states. Dave noted that future responses and burden was unknown for SNCs and other “significant” data elements. Fred proposed going with the EPA/Envirofacts process to avoid duplication of resources.

Summary of Discussion

Fred stated that EPA Headquarters wanted to provide the opportunity for up-front review to the states, but not to industry or the general public. Dave pointed out that once the data is posted it becomes public; the question then is the timing and amount of outreach conducted to “roll out” the site. Fred noted that a communications strategy was being developed to address this. Anne Lassiter reviewed the Region 10 process with Dave and noted the time for review before publicizing the site. Dave and Fred confirmed that data on “closed” enforcement actions was what was being released. Due to concerns about resources for contacting industry for an up-front review process, the workgroup agreed to provide only states with the opportunity for an up-front review of enforcement and compliance data to ensure their comfort in what’s being reported. There was additional discussion on how this might be accomplished. Suggestions included giving states a password for a protected area of the web site or providing them with access to the EPA Intranet site. Dave noted that Region 10 took lists of all inspection and enforcement actions from the past 2 years and sent them electronically to the states for a cross-check. Fred asked if the normal data entry and review process would then be enough. Pat commented that freezing and re-sending the data for periodic review would indicate mistrust of the error correction process. There was additional discussion on the feasibility of providing the public with up-front review of the data. Anne suggested an unpublicized posting of data for review, like Region 10. Fred commented that there may not be another feasible option other than moving forward with a general communications plan. Dave noted that Region 10 would serve as a pilot for Headquarters to get a sense of workload issues. Fred asked who was appropriate to contact at the state level regarding error correction. Call participants noted that it probably differed from state to state. Fred stated that the recommendation would be stated in such a way as to acknowledge this variability. Fred then asked about an appropriate timeframe for state review of data. Steve reviewed the process in his state and suggested 30 days. Fred said they would contact all of the states off-line to get more feedback on this.

Action Items

- EPA Headquarters will contact the state representatives on the workgroup to get their feedback on: (1) How long would states need to do an initial review of compliance and enforcement data to be released on the web site? and (2) Who should be involved at the state level for the error correction process (e.g., Commissioner's office, Information Management staff, etc.)?

Group Consensus

- The workgroup agreed to provide states with the opportunity for up front review of the data to be posted on the web site.

Next Steps

- The next conference call will be on 4/27, to walk through the draft recommendations report in order to get comments and suggestions from the workgroup. The report will be sent out to the group a few days in advance of the call for review. Once edits from the 4/27 have been addressed and incorporated into the draft report, a final report will be distributed for review.

APPENDIX C: LIST OF PROPOSED STAKEHOLDERS

- ▶ States, Local Governments Tribes
- ▶ Federal Government Agencies
- ▶ Congress/State Legislatures
- ▶ Non-Profit Organizations/Public Interest Groups
- ▶ Environmental Groups
- ▶ Trade Associations
- ▶ Media
- ▶ Academia
- ▶ Citizens/Citizen Groups
- ▶ Law Firms
- ▶ Professional Organizations
- ▶ Environmental Consultants
- ▶ Industry Retailers
- ▶ Data Marketing Groups
- ▶ Regulated Entities
- ▶ International audience [suggested on the 2/17/00 conference call]